IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 460 of 2005

Between:

Tummala Chandra Sekhar, S/o Sambasiva Rao
R/o Ponangi Village, Eluru (M), West Godavari District

..... PETITIONER

AND

1 The Executive Engineer, Irrigation Division, Eluru, West Godavari District
2 Kanchana Venkata Naga Ramakrishna rao s/o Veera Venkaiah
R/o Ponangi (V), Eluru (M) West Godavari District
3 Perabattula Bramhananda Rao S/o Soma Rao
R/o Ponangi (V), Eluru (M), West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the1st respondent herein not taking any action against the 2nd and 3rd respondents herein in diverting the waterflow from Tammanavari Kodu attached to the West Tammileru channel is in fringement of easement right of the petitioners, which is illegal, unjust and arbitrary, and as such liable to be set aside with a consequential direction to the 1st respondent herein to replace the old cement piper for better waterflow to cultivate the agricultural land as usual by drawing water from the irrigation channel and pass such other order or orders.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for Respondent No.1: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for respondents 2 and 3:

The Court at the stage of admission made the following ORDER:

The petitioner claims to have submitted a representation dated 10-12-2004 alleging that respondents 2 and 3 have diverted the flow of water from an irrigation canal. His grievance is that no action has been taken thereon and in the meanwhile, he is not receiving proper water supply.

Heard learned counsel for the petitioner and learned Public Prosecutor for Irrigation.

The truth or otherwise of the allegations made by the petitioner in the representation dated 10-12-2004 cannot be decided by this Court. The first respondent has to cause necessary investigation and take necessary steps, if the allegations are found to be true.

Hence, the writ petition is disposed of directing the first respondent to take appropriate steps on the representation dated 10-12-2004 said to have been made by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

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20-01-2005

Note: Issue C.C. by Monday

(B/0)

kdl

To

1 The Executive Engineer, Irrigation Division, Eluru, West Godavari District
2 Two C.Cs. to the Government Pleader for Irrigation & Comm Area Dev.
3 Two C.D. Copies.